

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WILLIAM RAPP,

Plaintiff,

-against-

Post Office case No.: 105-20-00463480A

UNITED STATES POSTAL SERVICE,

Defendant.

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SUMMONS IN A CIVIL ACTION

To: UNITED STATES POSTAL SERVICE
39 Sullivan St
Wurtsboro, NY 12790

A lawsuit has been filed against you. Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

MATTHEW SAMRADLI, ESQ., 1 DOLSON AVENUE, MIDDLETOWN NY 10940.

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint.

You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

UNITED STATES DISTRICT COURT
OF THE SOUTHERN DISTRICT OF NEW YORK

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WILLIAM RAPP,

Plaintiff,

VERIFIED COMPLAINT

-against-

Case No.:

UNITED STATES POSTAL SERVICE

Defendant.
-----X

Plaintiff, WILLIAM RAPP, by his attorneys, SOBO & SOBO, L.L.P., as and for the Verified Complaint, herein alleges the following:

BASIS FOR JURISDICTION

Pursuant to 28 U.S.C. SECTION 1346 (b), the United States district courts shall have exclusive jurisdiction over all actions brought by or against the **Postal Service** for a tort claim.

1. That at all times hereinafter mentioned, the plaintiff was and still is a resident of the County of Sullivan, State of New York and resides at 47 Oaks Street, Wurtsboro NY, 12790.

2. That at all times hereinafter mentioned, upon information and belief, the defendant, UNITED STATES POSTAL SERVICE, was and still is a federal government agency existing in the State of New York.

3. That at all times hereinafter mentioned, upon information and belief, the defendant, UNITED STATES POSTAL SERVICE, was and still maintains a facility organized and existing at 39 Sullivan Street, Wurtsboro, N.Y. 12790.

4. That at all times hereinafter mentioned, upon information and belief, the defendant, UNITED STATES POSTAL SERVICE, was and still is a business entity existing within the State of New York.

5. That at all times hereinafter mentioned, up information and belief, the defendant, UNITED STATES POSTAL SERVICE, was and still is a federal business entity doing business within the State of New York.

6. That at all times hereinafter mentioned, upon information and belief, the defendant, UNITED STATES POSTAL SERVICE, was the owner of a certain premises located 39 Sullivan Street, Wurtsboro, County of Sullivan, and State of New York.

7. That at all times hereinafter mentioned, upon information and belief, the defendant, UNITED STATES POSTAL SERVICE, maintained the aforesaid premises.

8. That at all times hereinafter mentioned, upon information and belief, the defendant, UNITED STATES POSTAL SERVICE, managed the aforesaid premises.

9. That at all times hereinafter mentioned, upon information and belief, the defendant, UNITED STATES POSTAL SERVICE, controlled the aforesaid premises.

10. That at all times hereinafter mentioned, upon information and belief, the defendant, UNITED STATES POSTAL SERVICE, operated the aforesaid premises.

11. That at all times hereinafter mentioned, upon information and belief, the defendant, UNITED STATES POSTAL SERVICE, was the lessee of the aforesaid premises.

12. That at all times hereinafter mentioned, upon information and belief, the defendant, UNITED STATES POSTAL SERVICE, was the lessor of the aforesaid premises.

13. That at all times hereinafter mentioned, the aforesaid premises was the situs of the within accident.

14. That on or about January 20th, 2020, while this plaintiff was lawfully upon the aforesaid premises, he was caused to be precipitated to the ground, thereby sustaining severe and serious personal injuries.

15. The negligent, wanton, reckless, and careless acts of the defendants, was a cause of the accident and resultant injuries.

16. That the defendant, was negligent, wanton, reckless, and careless in, among other things, allowing, causing, and/or permitting dangerous, hazardous, slippery and/or unsafe conditions to exist on the aforesaid premises; in acting with reckless disregard for the safety of others; in creating a trap like condition; and the defendant, was in other ways negligent, wanton, reckless, and careless.

17. That the defendant, had actual and/or constructive notice of the dangerous and/or defective conditions in that the conditions existed for a sufficient length of time prior to the happening of the incident and in the exercise of reasonable care, the defendant could have and should have had knowledge and notice thereof and further, the defendant, created said condition.

18. The limited liability provisions of CPLR 1601 do not apply pursuant to the exceptions of CPLR 1602, including, but not limited to, 1602(2)(iv), 1602(7) and 1602(11).

19. That by reason of the foregoing, this plaintiff was caused to sustain severe and serious personal injuries to his mind and body, some of which, upon information and belief, are permanent with permanent effects of pain, disability, disfigurement and loss of body function. Further, this plaintiff was caused to expend and become obligated for

diverse sums of money for the purpose of obtaining medical care and/or cure in an effort to alleviate the suffering and ills sustained as a result of this accident; the plaintiff further was caused to lose substantial periods of time from his normal vocation and activities, and upon information and belief, may continue in that way into the future and suffer similar losses.

20. That by reason of the foregoing, this plaintiff has been damaged in a sum that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction of this matter.

WHEREFORE, plaintiff demands judgment against the defendants, and each of them, as follows:

In the federal action against defendant, UNITED STATES POSTAL SERVICE, seeking compensatory damages in a sum that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction in this matter, together with the costs and disbursements of this action.

DATED: April 6, 2021
Middletown, New York



MATTHEW SAMRADLI, ESQ.
SOBO & SOBO, LLP
Attorneys for Plaintiff
One Dolson Avenue
Middletown, NY 10940
(845) 343-7626

VERIFICATION

STATE OF NEW YORK, COUNTY OF ORANGE ss:

WILLIAM RAPP, being duly sworn says; I am the plaintiff in the action herein; I have read the annexed Verified Complaint, know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.


WILLIAM RAPP

Sworn to before me on this
April 6, 2021


NOTARY PUBLIC

ALEXANDRE THIERRY JOURAVLIOV
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02JO6408107
Qualified in Delaware County
My Commission Expires: 8/3/2024